

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN SENATE JUNE 12, 2006

AMENDED IN ASSEMBLY MAY 1, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2223

Introduced by Assembly Member Salinas

February 22, 2006

An act to amend Sections 56375.3 ~~and 56375.4~~, 56375.4, and 56425 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2223, as amended, Salinas. Local government annexation.

Existing law requires a local agency formation commission to approve, after notice and hearing, an annexation to a city of unincorporated island territory if the annexation is initiated on or after January 1, 2000, and before January 1, 2007, and other conditions are met.

This bill would delete the January 1, 2007, limitation and extend this date to January 1, 2014, and would make other conforming changes.

By extending the time that this duty is imposed on local governments, this bill would impose a state-mandated local program.

Existing law requires a commission to develop and determine the sphere of influence of each local governmental agency within the county. Existing law requires, until January 1, 2007, that at least 30 days prior to submitting an application to the commission for a determination of a new sphere of influence or to update an existing sphere of influence for a city, representatives from the city meet with

county representatives to discuss the proposed sphere and its boundaries, and to explore methods to reach agreement on the boundaries, development standards, and zoning requirements within the sphere, as specified. If an agreement is reached it is required to be submitted to the commission, which shall give it great weight in the final determination of the city's sphere of influence. If no agreement is reached, the commission shall consider the applicant city's sphere of influence consistent with specified policies of the commission.

This bill would extend the operation of those requirements until January 1, 2008.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 56375.3 of the Government Code is
- 2 amended to read:
- 3 56375.3. (a) In addition to those powers enumerated in
- 4 Section 56375, a commission shall do either of the following:
- 5 (1) Approve, after notice and hearing, the annexation to a city,
- 6 and waive protest proceedings pursuant to Part 4 (commencing
- 7 with Section 57000) entirely, if all of the following are true:
- 8 (A) The annexation is initiated on or after January 1, 2000,
- 9 and before January 1, 2014.
- 10 (B) The annexation is proposed by resolution adopted by the
- 11 affected city.
- 12 (C) The commission finds that the territory contained in the
- 13 annexation proposal meets all of the requirements set forth in
- 14 subdivision (b).
- 15 (2) Approve, after notice and hearing, the annexation to a city,
- 16 subject to subdivision (a) of Section 57080, if all of the following
- 17 are true:
- 18 (A) The annexation is initiated on or after January 1, 2014.

1 (B) The annexation is proposed by resolution adopted by the
2 affected city.

3 (C) The commission finds that the territory contained in the
4 annexation proposal meets all of the requirements set forth in
5 subdivision (b).

6 (b) Subdivision (a) applies to territory that meets all of the
7 following requirements:

8 (1) It does not exceed 150 acres in area, and that area
9 constitutes the entire island.

10 (2) The territory constitutes an entire unincorporated island
11 located within the limits of a city, or constitutes a reorganization
12 containing a number of individual unincorporated islands.

13 (3) It is surrounded in either of the following ways:

14 (A) Surrounded, or substantially surrounded, by the city to
15 which annexation is proposed or by the city and a county
16 boundary or the Pacific Ocean.

17 (B) Surrounded by the city to which annexation is proposed
18 and adjacent cities.

19 (C) This subdivision shall not be construed to apply to any
20 unincorporated island within a city that is a gated community
21 where services are currently provided by a community services
22 district.

23 (D) Notwithstanding any other provision of law, at the option
24 of either the city or the county, a separate property tax transfer
25 agreement may be agreed to between a city and a county
26 pursuant to Section 99 of the Revenue and Taxation Code
27 regarding an annexation subject to this subdivision without
28 affecting any existing master tax sharing agreement between the
29 city and county.

30 (4) It is substantially developed or developing. The finding
31 required by this subparagraph shall be based upon one or more
32 factors, including, but not limited to, any of the following factors:

33 (A) The availability of public utility services.

34 (B) The presence of public improvements.

35 (C) The presence of physical improvements upon the parcel or
36 parcels within the area.

37 (5) It is not prime agricultural land, as defined by Section
38 56064.

39 (6) It will benefit from the annexation or is receiving benefits
40 from the annexing city.

(c) Notwithstanding any other provision of this subdivision, this subdivision shall not apply to all or any part of that portion of the development project area referenced in subdivision (e) of Section 33492.41 of the Health and Safety Code that as of January 1, 2000, meets all of the following requirements:

- (1) Is unincorporated territory.
- (2) Contains at least 100 acres.
- (3) Is surrounded or substantially surrounded by incorporated territory.
- (4) Contains at least 100 acres zoned for commercial or industrial uses or is designated on the applicable county general plan for commercial or industrial uses.

SEC. 2 Section 56375.4 of the Government Code is amended to read:

56375.4. (a) The authority to initiate, conduct, and complete any proceeding pursuant to subdivision (a) of Section 56375.3 does not apply to any territory that, after January 1, 2000, became surrounded or substantially surrounded by the city to which annexation is proposed. The authority to initiate, conduct, and complete any proceeding pursuant to paragraph (1) of subdivision (a) of Section 56375.3 shall expire January 1, 2014. The period of time between January 1, 2000, and January 1, 2014, shall not include any period of time during which, in an action pending in any court, a local agency is enjoined from conducting proceedings pursuant to paragraph (1) of subdivision (a) of Section 56375.3. Upon final disposition of that case, the previously enjoined local agency may initiate, conduct, and complete proceedings pursuant to paragraph (1) of subdivision (a) of Section 56375.3 for the same period of time as was remaining under that 14-year limit at the time the injunction commenced. However, if the remaining time is less than six months, that authority shall continue for six months following final disposition of the action.

(b) Between January 1, 2000, and January 1, 2014, no new proposal involving the same or substantially the same territory as a proposal initiated pursuant to paragraph (1) of subdivision (a) of Section 56375.3 after January 1, 2000, shall be initiated for two years after the date of adoption by the commission of a resolution terminating proceedings.

1 *SEC. 3. Section 56425 of the Government Code is amended to*
2 *read:*

3 56425. (a) In order to carry out its purposes and
4 responsibilities for planning and shaping the logical and orderly
5 development and coordination of local governmental agencies so
6 as to advantageously provide for the present and future needs of
7 the county and its communities, the commission shall develop
8 and determine the sphere of influence of each local governmental
9 agency within the county and enact policies designed to promote
10 the logical and orderly development of areas within the sphere.

11 (b) At least 30 days prior to submitting an application to the
12 commission for a determination of a new sphere of influence, or
13 to update an existing sphere of influence for a city,
14 representatives from the city shall meet with county
15 representatives to discuss the proposed sphere, and its
16 boundaries, and explore methods to reach agreement on the
17 boundaries, development standards, and zoning requirements
18 within the sphere to ensure that development within the sphere
19 occurs in a manner that reflects the concerns of the affected city
20 and is accomplished in a manner that promotes the logical and
21 orderly development of areas within the sphere. If no agreement
22 is reached between the city and county within 30 days, then the
23 parties may, by mutual agreement, extend discussions for an
24 additional period of 30 days. If an agreement is reached between
25 the city and county regarding the boundaries, development
26 standards, and zoning requirements within the proposed sphere,
27 the agreement shall be forwarded to the commission, and the
28 commission shall consider and adopt a sphere of influence for the
29 city consistent with the policies adopted by the commission
30 pursuant to this section, and the commission shall give great
31 weight to the agreement in the commission's final determination
32 of the city sphere.

33 (c) If the commission's final determination is consistent with
34 the agreement reached between the city and county pursuant to
35 subdivision (b), the agreement shall be adopted by both the city
36 and county after a noticed public hearing. Once the agreement
37 has been adopted by the affected local agencies and their
38 respective general plans reflect that agreement, then any
39 development approved by the county within the sphere shall be
40 consistent with the terms of that agreement.

1 (d) If no agreement is reached pursuant to subdivision (b), the
2 application may be submitted to the commission and the
3 commission shall consider a sphere of influence for the city
4 consistent with the policies adopted by the commission pursuant
5 to this section.

6 (e) In determining the sphere of influence of each local
7 agency, the commission shall consider and prepare a written
8 statement of its determinations with respect to each of the
9 following:

10 (1) The present and planned land uses in the area, including
11 agricultural and open-space lands.

12 (2) The present and probable need for public facilities and
13 services in the area.

14 (3) The present capacity of public facilities and adequacy of
15 public services that the agency provides or is authorized to
16 provide.

17 (4) The existence of any social or economic communities of
18 interest in the area if the commission determines that they are
19 relevant to the agency.

20 (f) Upon determination of a sphere of influence, the
21 commission shall adopt that sphere.

22 (g) On or before January 1, 2008, and every five years
23 thereafter, the commission shall, as necessary, review and update
24 each sphere of influence.

25 (h) The commission may recommend governmental
26 reorganizations to particular agencies in the county, using the
27 spheres of influence as the basis for those recommendations.
28 Those recommendations shall be made available, upon request,
29 to other agencies or to the public. The commission shall make all
30 reasonable efforts to ensure wide public dissemination of the
31 recommendations.

32 (i) When adopting, amending, or updating a sphere of
33 influence for a special district, the commission shall do all of the
34 following:

35 (1) Require existing districts to file written statements with the
36 commission specifying the functions or classes of services
37 provided by those districts.

38 (2) Establish the nature, location, and extent of any functions
39 or classes of services provided by existing districts.

(j) Subdivisions (b), (c), and (d) shall become inoperative as of January 1, ~~2007~~ 2008, unless a later enacted statute, that becomes operative on or before January 1, ~~2007~~ 2008, deletes or extends that date.

~~SEC. 3.~~

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.